

THE HON'BLE MRS JUSTICE T.MEENA KUMARI
&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :22596 of 1998

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Dated: 19.09.2005

Between:

Pulla Jakaraiah, S/o Sarvaiah

.. Petitioner

And

1. Government of A.P., rep., by the Secretary,
Revenue Department, Secretariat, Hyderabad
and four others.

* R5 is impleaded as per Court orders
dated 10.9.1998 in WPMP No.29279 of 1998

.. Respondents

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-

WRIT PETITION NO :22596 of 1998

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ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 04.08.1998 in O.A.No.5347 of 1998 on the file of the A.P. Administrative Tribunal, Hyderabad, and to declare the Memo No.32697/CT.I(1)/98-1, dated 3.7.1998 issued by the Government, Revenue (CT.I) Department, as illegal and consequently, to direct the Government to include the name of the petitioner in the panel of Assistant Commissioners (CT) for the year 1992-93 above one G. Lakshmi Prasad, and in the panel of Deputy Commissioners (CT) for the year 1997-98 and to promote him to the post of Deputy Commissioner with effect from 23.4.1998 with all consequential benefits.

The petitioner herein is the applicant before the Tribunal. He filed the present O.A. seeking to declare the Memo No.32697, dated 3.7.1998 issued by the 1st respondent as illegal and to set aside the same and consequently to direct the respondent-authorities to determine as to his seniority in the category of Assistant Commissioner (CT) basing on the notional seniority fixed in the category of C.T.O in terms of Rule 33 (a) of A.P. State and Subordinate Service Rules and to place his name above one G. Lakshmi Prasad and consequently, to place his name in the panel of 1992-93 of Asst. Commissioner (CT) and to promote him to the post of Deputy Commissioner (CT) with effect from 23.4.1998.

The Tribunal having found that the impugned memo dated 3.7.1998 is issued in favour of the petitioner including his name in the panel of Asst. Commissioner (CT) for the year 1993-94, observed that if the petitioner is aggrieved, he can make representation to the Government for consideration of his case. Aggrieved by the same, the petitioner filed the present writ petition.

At this stage, the learned Counsel for the petitioner brought to the notice of this Court that the petitioner has been promoted as Assistant Commissioner after disposal of the O.A. and during the pendency of the writ petition and thereafter as Deputy Commissioner. It is further submitted that his seniority has yet to be fixed as sought for by him in the O.A. as well as in the writ petition and hence, necessary directions may be given so far as fixation of notional seniority as sought for in the writ petition.

So far as the question of fixation of seniority is concerned, admittedly, it is not the case of the petitioner that he made a representation to the respondent-authorities questioning the fixation of his seniority and the respondents denied his request.

Without making such attempts, the approach of the petitioner by way of filing the O.A., is not sustainable as rightly observed by the tribunal.

In this background of the matter and in view of the admitted fact that the petitioner has already been promoted as Deputy Commissioner, without expressing any opinion on the merits of the case, we feel that no further orders need be passed in this writ petition. However, in the facts and circumstances of the case, we deem it appropriate to give liberty to the petitioner to approach the appropriate forum, if he is aggrieved as to the fixation of his seniority.

With the above observation, the writ petition is disposed of. No order as to costs.

Justice T. Meena Kumari

Justice P. Lakshmana Reddy

Dated: 19.09.2005

Nn.